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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,703	01/26/2000	Alex Dai-Shun Poon	2043.007US1	8953
21186	7590	05/31/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/491,703

**Applicant(s)**

ALEX DAI-SHUN POON

**Examiner**

Ella Colbert

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16,25-32,41-48,58,59,62,63,66,67,71,73 and 75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16,25-32,41-48,58,59,62,63,66,67,71,73 and 75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/22/06, 7/29/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 9-16, 25-32, 41-48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 are pending in this communication filed 03/22/06 entered as Response After Non-Final Action and IDS.
2. The IDS filed 03/22/06 and 7/29/05 have been considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-16, 25-32, 41-48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,489,968) Ortega et al, hereafter Ortega.

Claims 9, 25, and 41. Ortega teaches, Providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized transaction (col. 4, line 45-col. 5, line 35 and line 66-col. 6, line 4); detecting selection by said user of a category entry of said plurality of category entries (col. 6, lines 21-29 and lines 34-39). Ortega did not expressly disclose, responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to

categorize said item in said transaction. However, Ortega did disclose a tree-like structure with subcategories. Fig. 1B in Ortega shows a hierarchical tree. It would have been obvious to one having ordinary skill in the art at the time the invention was made to be responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction in view of Ortega's teachings of categories and subcategories to modify in Ortega because such a modification would allow Ortega to identify items and categories in a hierarchical browse structure.

Claims 10, 26, and 42. Ortega teaches, further comprising providing a category number associated with said selected category entry to be displayed for said user in said display window (col. 15, lines 48-62, Table 8, and Figure 8).

Claims 11, 27, and 43. Ortega teaches, wherein said category field comprises twelve category entries in alphabetical order (col. 7, lines 25-31 and Figure 1A –has more than twelve category entries in a category field-Books/Sports and Outdoors). The fact that there are twelve category entries in alphabetical order is considered a design choice.

Claims 12, 28, and 44. Ortega teaches, further comprising subsequently detecting input of said category number from said user and, responsive to said detection of said input, providing said associated category entry to be displayed for said user in said category field (col. 7, lines 32-58).

Claims 13, 29, and 45. Ortega teaches, wherein said at least one subcategory field further comprises a first subcategory field containing a plurality of first subcategory entries being hierarchically related to said category entry of said plurality of category entries selected by said user; a second subcategory field containing a plurality of second subcategory entries being hierarchically related to a selected first subcategory entry of said plurality of first subcategory entries; and a third subcategory field containing a plurality of third subcategory entries being hierarchically related to a selected second subcategory entry of said plurality of second subcategory entries (col. 5, line 36-col. 6, line 20). Applicants' claim 13 is merely a hierarchical tree structure as shown in Ortega's Figure 1B.

Claims 14, 30, and 46. Ortega teaches, wherein said category field and said at least one subcategory field are contained in graphically distinct areas within said display window (col. 4, lines 53-67, col. 5, lines 37-41, col. 14, lines 33-65, and Figure 6).

Claims 15, 31, and 47. Ortega teaches, wherein said at least one subcategory field is substantially adjacent to said category field (col. 5, line 7-col. 6, line 4 and Figure 1A).

Claims 16, 32, and 48. Ortega teaches, wherein said category field and said at least one subcategory field are page mark-up language documents (col. 9, lines 1-38 and Tables 3 and 4).

Claims 58, 62, and 66, Ortega teaches, further comprising: detecting selection by said user of at least one subcategory entry of said plurality of subcategory entries (col. 4, lines 59-67).

Claims 59, 63, and 67. Ortega teaches, further comprising: responsive to said detection of said selection of said at least one subcategory entry, providing a category number associated with said selected category entry and said at least one selected subcategory entry to be displayed for said user in said display window (col. 5, lines 36-64).

Claims 71, 73, and 75. Ortega teaches, wherein said plurality of category entries are maintained in said category field within said display window and said plurality of subcategory entries are displayed in said at least one subcategory field within said display window, concurrently with said plurality of category entries (col. 5, line 66-col. 6, line 4 and col. 7, lines 6-58).

### ***Response to Arguments***

5. Applicant's arguments filed 3/22/06 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: The structure or process in Ortega does not teach or suggest providing a plurality of subcategory entries being hierarchically related to a selected entry within a category hierarchy data structure to be displayed for a user in at least one sub category entry field within a display window concurrently with a category field, the plurality of subcategory entries being used to categorize an item in a transaction (e.g. claim 9) and Ortega does not teach or suggest the concurrent display of a plurality of subcategory entries and a category field has been considered but is not persuasive. Response: The recitation fro claim 9 recites "Providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized

transaction (col. 4, line 45-col. 5, line 35 and line 66-col. 6, line 4); detecting selection by said user of a category entry of said plurality of category entries (col. 6, lines 21-29 and lines 34-39). Ortega did not expressly disclose, responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction. However, Ortega did disclose a tree-like structure with subcategories. Fig. 1B in Ortega shows a hierarchical tree. It would have been obvious to one having ordinary skill in the art at the time the invention was made to be responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction in view of Ortega's teachings of categories and subcategories to modify in Ortega because such a modification would allow Ortega to identify items and categories in a hierarchical browse structure". It is interpreted that Ortega discloses a Web page that provides links to the subcategories and the tables in Figure 8 and Figure 10 appears to have fields although "fields" were not expressly disclosed in Ortega.

Conclusion: The Examiner is entitled to give limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

*During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<*

Applicants' are respectfully requested to point out in the claim(s) and claim language the inventive concept of what is considered to be the invention.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


### Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 29, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER